



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/522,931

01/24/2005

Alfred Losch

71657

6637

23872 7590 09/20/2007

MCGLEW & TUTTLE, PC
P.O. BOX 9227
SCARBOROUGH STATION
SCARBOROUGH, NY 10510-9227

EXAMINER

AMIRI, NAHID

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/522,931 | Applicant(s) LOSCH, ALFRED | |
| | Examiner Nahid Amiri | Art Unit 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 6 March 2007, amendments to the claims have been entered. Claims 1-19 are pending.

Applicant's arguments, filed on 14 June 2007 with Appeal Brief, with respect to the rejections of claims 1-19 under 35 USC § 102 of Haddock (US 7,013,612 B2) have been fully considered and are persuasive. Therefore, the finality of that action is withdrawn. However, upon further consideration, a new ground(s) of rejection is made based on US Patent No. 7,100,338 B2 Haddock in view of Pub. No. US/20060010831 A1 Skakie and further in view of US Patent No. 4,042,741 Bright.

In view of the appeal brief filed on 04 December 2004 HEREBY REOPENED. A new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Objections

Claims 4 and 5 stand objected to because of the following informalities:

Claim 4, line 2, "clamping strips have metal cores" should be changed to --clamping strip has a metal core--.

Claim 5, line 2, "clamping strips" should be changed to --clamping strip--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

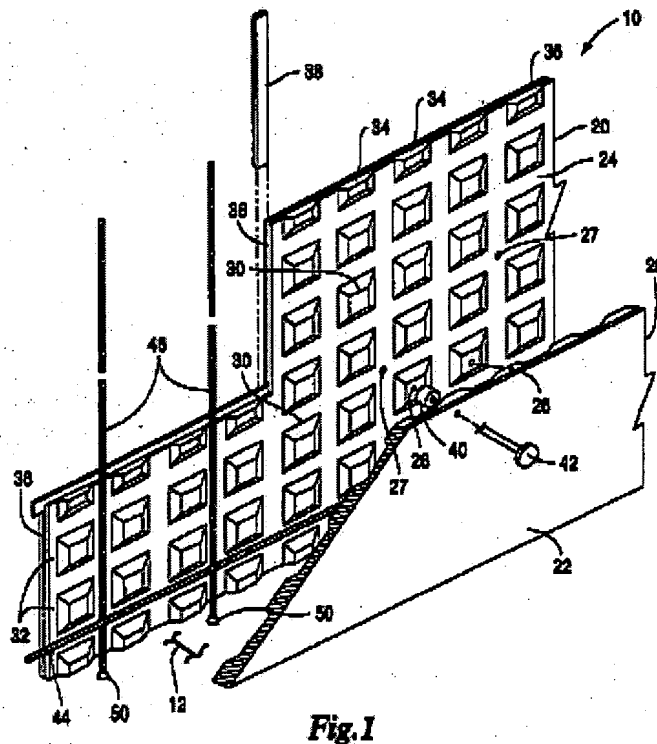
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub. No. US/20060010831 A1 Skakie.

With respect to claim 1, Skakie discloses a connection (Fig. 1) of edges of formed sheets (20), wherein the edges of said sheets (20) have at least partially planar contact and can be detachably connected with one another, a first sheet (20, the front sheet) with an edge comprising a plurality of mounts (30) arranged thereon; a second sheet (20, the rear sheet) with an edge, said second sheet (20) comprising a plurality of mounting flanges (30), said first and second sheets (20) being positioned such that each mounting flange (30) is in flat contact with each mount (30); a clamping strip (40) providing a detachable connection of said sheets (20) at said mounts (30) and mounting flanges (30); and a screw (42) connection for connecting said clamping strip (40) and said mounts (30) and mounting flanges (30) of said sheets (20).



With respect to claim 5, Skakie discloses (Fig. 1) that clamping strip (40) and edges of the sheets (20) to be contacted to one another are connected to one another by means of the screw connection (42).

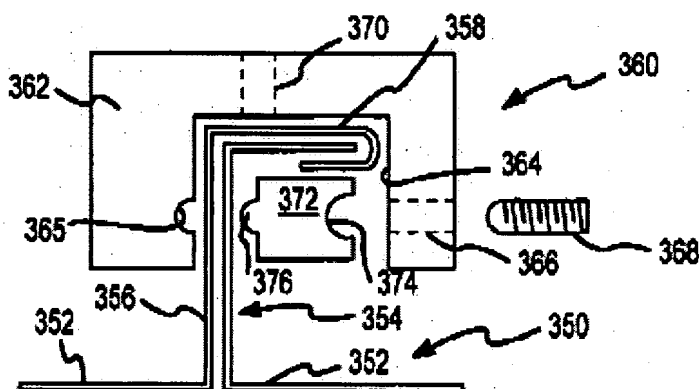
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,100,338 Haddock in view of Pub. No. US/20060010831 A1 Skakie.

With respect to claim 1, Haddock discloses a connection (360, Fig. 9) of edges of formed sheets (352), wherein the edges of said sheets (352) have at least partially planar contact and can be detachably connected with one another; a clamping strip (362) providing a detachable connection of said sheets (352); and a screw (368) connection for connecting said clamping strip (362) and said sheets (352); wherein said clamping strip (362) has at least partly a U-shaped design; wherein the clamping strip (362) has a metal core; and wherein the clamping strips (362) and said edges of said sheets (352) to be connected to one another are connected to one another by means of said screw connection (368). Haddock does not disclose that the connection with an edge comprising a first sheet including a plurality of mounts arranged thereon; a second sheet (352) with an edge, said second sheet comprising a plurality of mounting flanges, said first and second sheets being positioned such that each mounting flange is in flat contact with each mount. Skakie teaches a connection (Fig. 1) comprising a first sheet (20) with an edge comprising a plurality of mounts (30) arranged thereon; a second sheet (20) with an edge, said second sheet (20) comprising a plurality of mounting flanges (30), said first and second sheets (20) being positioned such that each mounting flange (30) is in flat contact with each mount (30). It would have been obvious to one of ordinary skill in the art at the time of invention was made to the first and second sheets of Haddock with a plurality of mounts and flange mounts with flat contact with other in order to provide the separator with ability of withstanding side stresses.



With respect to claim 2, Haddock discloses (Fig. 9) that the clamping strip (362) has a partially a U-shaped design.

With respect to claim 5, Haddock discloses a connection (Fig. 9) that the clamping strips (362) and said edges of said sheets (352) to be connected to one another are connected to one another by means of said screw connection (368).

With respect to claim 6, Haddock discloses a connection (Fig. 9) further comprising a joint sealing (constituted by a recess 365) is also connected together with said clamping strip (362) and said edges of said sheets (352) to be connected by means of a screw connection (368).

With respect to claims 7-9, Haddock discloses (Fig. 9) that a joint sealing (365) is integrated in said clamping strip (362); and wherein the clamping strip is designed as a cover strip; and wherein the clamping strip (362) extends at least partially over the circumference of edges of the sheets (352).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddock and Skakie as applied to claims 1, 2 and 5-9 above, and further in view of US Patent No. 4,042,741 Bright.

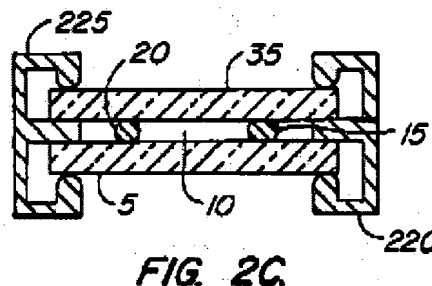
With respect to claims 3 and 4, Haddock discloses the claimed invention except that the clamp strip is consists of a plastic. Bright teaches a clamp (25, Fig. 7) consists of a plastic; and wherein the clamp strip (25) has a metal core (28C). It would have been obvious to one of ordinary skill in the art at the time of invention was made to form the clamp of Haddock from plastic with a metal core as taught by Bright in order to provide a clamp with a draught and weatherproofing function.

Claims 10, 11, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddock in view of US Patent No. 6,509,085 B1 Kennedy.

With respect to claims 10, 11, 13, and 14, Haddock discloses a formed sheet edge connection (360, Fig. 9) comprising a first sheet (352) with an edge having an at least partially planar contact region flange; a second sheet (352) with an edge having an at least partially planar contact region flange, said first sheet flange lying on top of said second sheet flange with said flanges being bent in the same direction; and a clamping strip (362) providing a detachable connection of said sheets at said flanges; and one of a screw connection (368) and a clipping

Art Unit: 3679

device (constituted by an 392) for connecting said clamping strip and said flanges of said sheets (352); wherein said clamping strip (362) has at least partly a U-shaped design; wherein the clamping strip (362) has a metal core; and wherein the clamping strips (362) receives an end of the clipping device (392) in a positive locking manner and the clipping device (392) has an opposite end positively locked on a side of the flanges to clamp the flanges together with the clamping strip (362). Haddock does not disclose that a sealing adhesive inserted into area of plane contact regions. Kennedy teaches a connection (Fig.1, column 18, lines 33-35) comprising a sealing adhesive (20) inserted into area of plane contact regions of the sheets (5, 35). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the planar contact regions of Haddock with a sealing adhesive in order to bond the first sheet and the second sheet together.



With respect to claim 14, Haddock discloses a connection (Fig. 9) that the clamping strips (362) receives an end of the clipping device (368) in a positive locking manner and the clipping device (368) has an opposite end positively blocked on a side of the flanges to clamp the flanges together with the clamping strip (362).

With respect to claim 15, Haddock discloses a connection (Fig. 9) further comprising a joint sealing (constituted by a recess 365) is also connected together with said clamping strip (362) and said edges of said sheets (352) to be connected by means of a screw connection (368).

With respect to claims 16-18, Haddock discloses (Fig. 9) that a joint sealing (365) is integrated in said clamping strip (362); and wherein the clamping strip is designed as a cover strip; and wherein the clamping strip (362) extends at least partially over the circumference of edges of the sheets (352).

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haddock and Kennedy as applied to claims 10, 11, and 14-18 above, and further in view of Bright.

With respect to claims 12 and 13, Haddock discloses the claimed invention except that the clamp strip consists of a plastic. Bright teaches a clamp (25, Fig. 7) consists of a plastic; and wherein the clamp strip (25) has a metal core (28C). It would have been obvious to one of ordinary skill in the art at the time of invention was made to form the clamp of Haddock from plastic with a metal core as taught by Bright in order to provide a clamp with a draught and weatherproofing function.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haddock in view of Kennedy.

With respect to claim 19, Skakie discloses a connection (Fig. 1) of edges of formed sheets (20), wherein the edges of said sheets (20) have at least partially planar contact and can be detachably connected with one another, a first sheet (20, the front sheet) with an edge comprising a plurality of mounts (30) arranged thereon; a second sheet (20, the rear sheet) with an edge, said second sheet (20) comprising a plurality of mounting flanges (30), said first and second sheets (20) being positioned such that each mounting flange (30) is in flat contact with each mount (30); a clamping strip (40) providing a detachable connection of said sheets (20) at said mounts (30) and mounting flanges (30); and a screw (42) connection for connecting said clamping strip (40) and said mounts (30) and mounting flanges (30) of said sheets (20). Skakie does not disclose a seal inserted into area of contact between the first sheet and the second sheet. Kennedy teaches a connection (Fig.1, column 18, lines 33-35) comprising a sealing adhesive (20) inserted into area of plane contact regions of the sheets (5, 35). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the planar contact regions of Haddock with a sealing adhesive in order to bond the first sheet and the second sheet together.

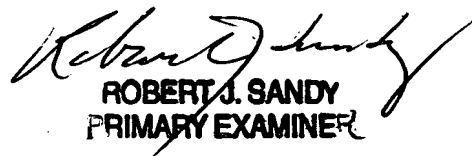
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nahid Amiri
Examiner
Art Unit 3679
September 14, 2007



ROBERT J. SANDY
PRIMARY EXAMINER